IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

OP.No. 20614 of 2002(D)

PETITIONER:

M.ASHRAFF, HOUSE NO.5/367,
BENGLAVUPARAMBA, MATTANCHERRY, COCHIN-2.

BY ADV. SRI.H.BADARUDDIN

RESPONDENTS:
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1. THE DIRECTOR, ARCHAEOLOGICAL DEPARTMENT
THIRUVANANTHAPURAM.

2. SRI.HEMACHANDRAN, CURATOR
ARCHAEOLOGICAL DEPARTMENT, THIRUVANANTHAPURAM.

3. THE CURATOR, THRIPUNITHURA HILL PALACE
ARCHAEOLOGICAL MUSEUM, THRIPUNITHURA, ERNAKULAM.

4. THE CIRCLE INSPECTOR OF POLICE,
MATTANCHERRY.

5. M.V.JINAN, MIG-119, GANDHI NAGAR,
KADAVANTHRA, KOCHI.

6. THE SUPERINTENDENT OF POLICE,
CENTRAL BUREAU OF INVESTIGATION, KOCHI.

BY GOVERNMENT PLEADER ANU SIVARAM
SRI.P.S.SREEDHARAN PILLAI, SC FOR CBI
SRI.S.SREEKUMAR, SC FOR CBI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 20614 of 2002

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF ATTENDANCE REGISTER OF ARIYITTU VAZHCHA KOVILAKAM" CERTIFIED BY THE THIRD RESPONDENT

EXT.P2 SERIES- TRUE COPIES OF THE VOUCHERS SENT TO THE DEPARTMENT, EVERY TIME BY THE PETITIONER

EXT.P3 SERIES- TRUE COPY OF SOME OF SUCH REPRESENTATION MADE BY THE PAETITIONER TO THE RESPONDENTS 1 TO 3

EXT.P3A SERIES- TRUE COPIES OF POSTAL ACKNOWLEDGEMENT RECEIPTS REGRDING THE RECEIPT OF EXT.P3 SERIES.

EXT.P4- TRUE COPY OF LAWYER NOTICE DATED 25.8.01 ADDRESSED TO THE 1ST RESPONDENT

EXT.P5- TRUE COPY OF NEWS COLUMN WITH PHOTO OF THE PETITIONER IN FRONT OF THE KOVILAKAM PUBLISHED IN MANGALAM DAILY DATED 24.7.2002

EXT.P6- TRUE COPY OF COMPLAINT LODGED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 11.8.2001.

EXT.P7- TRUE COPY OF COLUMN NEWS REPORTED IN MADHYAMAM DAILY DTED 13.8.2001

EXT.P8- TRUE COPY OF LETTER .H.P. 791/2001 DTED 20.12.01 RECEIVED BY THE PETITIONER FROM THE THIRD RESPONDENT

EXT.P9- TRUE COPY OF LETTER COMMUNICATION DATED 20.3.02 OF THE OFFICE OF THE THIRD RESPONDENT TO THE PETITIONER

(TRUE COPY)

P.A TO JUDGE

THOTTATHIL B. RADHAKRISHNAN, J

O.P.20614/2002

Dated this the 12th day of November, 2007

JUDGMENT

The petitioner claims that he was regularly employed by the Government as a night watchman of the museum. The respondents maintain that the petitioner was retained by a contractor who was engaged in connection with certain repairing and maintenance works of the museum.

2. While the petitioner relied on Ext.P1, the learned Government Pleader, following the earlier orders in this writ petition, has placed the original of Ext.P1, which according to the Government has been tampered. I have perused Ext.P1 viz-a-viz the original as made available by the learned Government Pleader. The original of Ext.P1 has been put to the Petitioner through his learned counsel. Discrepancies between the original and the Ext.P1 photo copy are so vivid that the facts of this case would have prompted this Court to proceed with action under Section 340 of Cr.P.C. But I do not deem it necessary to take

recourse to such proceedings, to secure the majesty of this Court.

In the aforesaid circumstances, the learned counsel for the petitioner in consultation with his client, who is present in this Court today, has sought leave to withdraw the writ petition. Writ petition is accordingly dismissed refusing leave as sought for. Under the very peculiar facts and circumstances, I am not imposing any order for costs, particularly because the petitioner had been only worked under a contractor and appears to be one under circumstances, in which he would be put to peril if compelled to face an order for costs.

THOTTATHIL B. RADHAKRISHNAN
Judge

mrcs